

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS MARK GEBERS, JR.

Defendant.

Case No.: 2:08-cr-00350-GMN-GWF

ORDER

On March 20, 2014, the Defendant, Curtis Mark Gebers, filed a Motion/Application for Leave to Proceed *in forma pauperis* (ECF No. 112). However, no filing fee is required; therefore, the motion is DENIED as moot.


Also on March 20, 2014, the Defendant filed a Motion for Extension of Time to File a Motion to Correct, Vacate or Set Aside a Sentence Pursuant to 28 U.S.C. § 2255 by a Federal Prisoner (ECF No. 113). No explanation for the delay was given, nor were any points and authorities provided. The Ninth Circuit Court of Appeals dismissed the Defendant's appeal on March 22, 2013. On March 20, 2014, the Defendant filed his 64-page Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (ECF No. 114). Accordingly, the Court will defer ruling on the Request for Extension of Time to File a Motion to Correct, Vacate or Set Aside a Sentence Pursuant to 28 U.S.C. § 2255 by a Federal Prisoner (ECF No. 113), until after the Government has had an opportunity to respond to both it and the Motion to Vacate (ECF No. 114).

IT IS HEREBY ORDERED that the Motion/Application for Leave to Proceed *in forma pauperis* (ECF No. 112) is **DENIED as moot**.

IT IS FURTHER ORDERED that the Government shall file a Response to the

1 Defendant's Motion for Extension of Time to File a Motion to Correct, Vacate or Set Aside a
2 Sentence Pursuant to 28 U.S.C. § 2255 by a Federal Prisoner (ECF No. 113), and Motion
3 Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal
4 Custody (ECF No. 114) on or before May 23, 2014.

5 DATED this 8th day of April, 2014.

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10 Gloria M. Navarro, Chief Judge
11 United States District Court
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